

## **REMARKS**

Claims 1-11 are currently pending. The Examiner's reconsideration of the rejections is respectfully requested in view of the remarks.

Claims 1-2, 6-7 and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Publication 2004/0153497 to Van Dyke. The Examiner stated essentially that Van Dyke teaches all the limitations of Claims 1-2, 6-7 and 11.

Claims 1, 6 and 11 have been amended to include limitations similar to Claim, 4 and 9, rejected in view of Van Dyke and D'Souza. Therefore, D'Souza will be considered here under under 35 USC 103(a).

Claims 1 and 6 claim, *inter alia*, "allocating SIP call control server processing resources to each queue according to a pre-defined policy associated with a corresponding message type, wherein the step of allocating resources comprises allocating varying degrees of server processing resources to individual queues of SIP messages by using a token-bucket rate control for processing individual queues." Claim 11 claims, "a scheduler for allocating SIP call control server processing resources to each queue according to a pre-defined policy associated with a corresponding message type, wherein the queues are allocated varying degrees of server processing resources using a token-bucket rate control for processing the messages."

Respectfully, multiple cited prior art references must suggest the desirability of being combined, and the references must be viewed without the benefit of hindsight afforded by the disclosure. The Examiner has chosen a multitude of references, apparently in hindsight, to reject Claims 1, 6 and 11, however, each references are not combinable. For example, Van Dyke teaches a classifying messages by type (see paragraph [0025]) and D'Souza teaches the classifying packets by source (see paragraph [0029]). Neither Van Dyke nor D'Souza make provisions for alternate types of classification. In view of each reference's teachings, consider

that it does not make sense for one type of message to be trusted more than another type - the Van Dyke nor D'Souza combination does not result in a workable solution. Thus, Applicants believe that Van Dyke is not combinable with D'Souza.

Turning now to the merits of Van Dyke and D'Souza:

Van Dyke teaches that an AP is selected to handle a SIP message according to a requested service type (see paragraph [0025]). Van Dyke does not teach or suggest “allocating SIP call control server processing resources to each queue according to a pre-defined policy associated with a corresponding message type, wherein the step of allocating resources comprises allocating varying degrees of server processing resources to individual queues of SIP messages by using a token-bucket rate control for processing individual queues” as claimed in Claims 1 and 6, nor “a scheduler for allocating SIP call control server processing resources to each queue according to a pre-defined policy associated with a corresponding message type, wherein the queues are allocated varying degrees of server processing resources using a token-bucket rate control for processing the messages” as claimed in Claim 11. Van Dyke teaches that an AP is selected to handle a SIP message according to a requested service type (see paragraph [0025]). Van Dyke is silent on the topic of differential processor resources across APs based on message type. Therefore, Van Dyke fails to teach all the limitations of Claims 1, 6 and 11.

D'Souza teaches queues having different speeds (see FIG. 3), in which packets are queued based on a level of trust in a packet source (see for example, paragraph [0029]). D'Souza does not teach or suggest, “allocating SIP call control server processing resources to each queue according to a pre-defined policy associated with a corresponding message type, wherein the step of allocating resources comprises allocating varying degrees of server processing resources to individual queues of SIP messages by using a token-bucket rate control for processing individual queues” as claimed in Claims 1 and 6, nor “a scheduler for allocating SIP call control server processing resources to each queue according to a pre-defined policy associated with a

corresponding message type, wherein the queues are allocated varying degrees of server processing resources using a token-bucket rate control for processing the messages” as claimed in Claim 11. D’Souza classifies incoming packets according to a level of trust associated with a source address; unknown clients, known clients, etc. - the queues of D’Souza are not associated with a pre-defined policy associated with a corresponding message type. Consider that a given message type of D’Souza can be classified in any of the available classes according to a level of trust assigned to the source address. Therefore, D’Souza fails to cure the deficiencies of Van Dyke.

The combined teachings of Van Dyke and D’Souza lack a motivation or suggestion to provide a policy associated with a message type, wherein the policy is used to assign processor resources. Therefore, Claims 1, 6 and 11 are believed to be allowable.

Claims 2 and 7 depend from Claims 1 and 6, respectively. The dependent claims are believed to be allowable for at least the reasons given for Claims 1 and 6. Reconsideration of the rejection is respectfully requested.

Claims 3 and 8 have been rejected under 35 USC 103(a) as being unpatentable over Van Dyke in view of Horvath et al. (US Patent App. No. 2005/0102421). The Examiner stated essentially that the combined teachings of Van Dyke and Horvath teach or suggest all the limitations of Claims 3 and 8.

Claims 3 and 8 depend from Claims 1 and 6, respectively. The dependent claims are believed to be allowable for at least the reasons given for Claims 1 and 6. Reconsideration of the rejection is respectfully requested.

Claims 4, 5, 9 and 10 have been rejected under 35 USC 103(a) as being unpatentable over Van Dyke in view of D’Souza et al. (US Patent App. No. 2004/0236966). The Examiner stated

essentially that the combined teachings of Van Dyke and D'Souza teach or suggest all the limitations of Claims 4, 5, 9 and 10.

Claims 4 and 5 and Claims 9 and 10 depend from Claims 1 and 6, respectively. The dependent claims are believed to be allowable for at least the reasons given for Claims 1 and 6. Reconsideration of the rejection is respectfully requested.

For the foregoing reasons, the application, including Claims 1-11, is believed to be in condition for allowance. Early and favorable reconsideration of the objection is respectfully requested.

Respectfully submitted,

Dated: December 26, 2007

/Nathaniel T. Wallace/  
Nathaniel T. Wallace  
Reg. No. 48,909  
Attorney for Applicants

**F. CHAU & ASSOCIATES, LLC**  
130 Woodbury Road  
Woodbury, New York 11797  
TEL: (516) 692-8888  
FAX: (516) 692-8889